

OPINION SUMMARY

MISSOURI COURT OF APPEALS EASTERN DISTRICT

JOHN FOWLER and MARY FOWLER,)	ED100801
)	
Appellants,)	Appeal from the Circuit Court
)	of St. Louis County
v.)	12SL-CC002619
)	
AMY PHILLIPS,)	Honorable David Lee Vincent III
)	
Respondent.)	Filed: August 23, 2016

John Fowler and Mary Fowler (collectively, Appellants) appeal from the judgment of the trial court granting summary judgment in favor of Amy Phillips (Phillips) in Appellants' personal-injury case, in which they asserted injuries stemming from Phillips' negligence and reckless conduct as a co-employee.

REVERSED AND REMANDED.

Division Three Holds: The trial court erred in granting summary judgment in favor of Phillips, because Phillips owed Fowler an independent duty of care, separate from their employer's non-delegable duty to provide a safe workplace. See Peters v. Wady Indus., Inc., --- S.W.3d ---, 2016 WL 3180586 (Mo. banc June 7, 2016); Parr v. Breeden, --- S.W.3d ---, 2016 WL 3180249 (Mo. banc June 7, 2016).

Opinion by: Gary M. Gaertner, Jr., J.
Kurt S. Odenwald, P.J. and Robert G. Dowd, J., concur.

Attorneys for Appellant: Matthew J. Sauter

Attorneys for Respondent: Jason D. Guerra and Ted L. Perryman

<p>THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.</p>
